

From: Christian Rizzo, Pro-Se
33 Birch Road
Staten Island NY 10303

To: Office Of The Clerk
United States District Court
Southern District Of New York
500 Pearl Street
New York NY 10007


Reference: Criminal Docket No. 99 cr. 937 (S.D.N.Y.) & Cr-s-99-373 (NEVADA)

Dear Clerk Of The Court,

Please file the enclosed Pro-Se Motion For Judicial Intervention. All appropriate parties have been properly served.
See enclosed Certificate Of Service. Thank you kindly.

Date 8/26/24

Very Sincerely



Christian Rizzo, Pro-Se

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

V.

CHRISTIAN RIZZO,
Defendant.

Criminal Docket No. 99 cr. 937 (S.D.N.Y.) & Cr-s-99-373 (Nevada)

Denied. There are no remaining proceedings that
can support a motion to intervene.

SO ORDERED.

9/17/24 Alvin K. Hellerstein

MOTION FOR JUDICIAL INTERVENTION

I, Christian Rizzo, hereinafter ("Defendant") respectfully submit this Motion For Judicial Intervention regarding the restitution obligation as follows :

Defendant does respectfully invoke the pro-se litigants liberal construction standard rule as prescribed by the United States Supreme Court in Haines V. Kerner, 404 U.S. 519-20, 92 S. Ct. 594 (1972).

STATEMENT OF CASE

Defendant plead guilty to count one of SDNY Indictment 99cr.937 (TLC Fraud in or about May - December 1998) ; Count two of Nevada Indictment CR-s-99-373 (Sports Vision and Sure Quest frauds in or about November 1995 - July 1997) ; and Count four of Nevada Indictment CR-s-99-373 (Travel interstate to commit extortion). Pursuant to the said plea agreement Defendant received an 87 months prison sentence, 3 years supervised release, and was ordered to pay \$4,190,164.74 in restitution. See Judgement & commitment ("J&C") filed on August 2001. Emphasis added : Here, all of the above Criminal conduct was ongoing and continuous and was all combined in one plea agreement, sentence, and conviction.

AS A MATTER OF LAW

The restitution in this case is controlled by the Victim And Witness Protection Act ("WVPA"), 18 U.S.C. 3663-3664(1982). The WVPA clearly states that the restitution obligation expires 20 years after entry of judgement. In 1996, the Mandatory Victims Restitution Act ("MVRA") amended the WVPA in several respects. However, the WVPA applies here because it was effective at the time the acts giving rise to Defendants conviction occurred. See United States v. Schulte, 264 F.3d 656,662 (6th cir. 2001) (" Where an act was committed prior to the effective dated of the MVRA, the retroactive application of the MVRA to that act violates the Ex Post Facto Clause" ...).


As previously stated the Defendant plead guilty to 3 ongoing and continuous frauds that occurred in or about November 1995 through December 1998. Again all 3 frauds were combined onto one Plea agreement, sentence, and conviction. Respectfully, the Government is erroneously attempting to separate all 3 frauds and continue to collect restitution beyond the 20 year deadline. Respectfully, here the Defendants restitution obligation is governed by the WPVA not the MVRA. Defendant asserts that his restitution obligation has expired on August 2021, 20 years after the J&C was filed in this case.

RELIEF

Defendant respectfully requests an ORDER directing that the Restitution obligation in this case has expired; Further Order that all restitution payments made beyond August 2021 / the 20 year deadline be returned to the Defendant; A hearing on the matter if necessary; Appointment of counsel if necessary; Or any other relief that this honorable court deems to be fair and just.

Date 8/26/24

Respectfully Submitted


Christian Rizzo, Pro-Se
33 Birch Road

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Staten Island NY 10303

DECLARATION

I, Christian Rizzo, Pro-Se, declare under penalty of perjury pursuant title 28 U.S.C section 1746 that all the foregoing is true and correct to the best of my belief and knowledge.

Date 8/26/24

C. Rizzo
Christian Rizzo, Pro-Se
33 Birch Road
Staten Island NY 10303

CERTIFICATE OF SERVICE

I, Christian Rizzo, Pro-Se, certify that on 8/28/24 I mailed true copies of this Motion For Judicial Intervention by USPS, postage pre-paid, first class mail To : (i) Clerk of the Court, united States District Court, Southern District Of New York, 500 Pearl street, New York NY 10007; and (ii) Natalya Yagudayeva, Legal Administrative Specialist, United States Attorney's Office, Financial Litigation Program, 86 Chambers Street, New York NY 10007.

Date 8/26/24

C. Rizzo
Christian Rizzo, Pro-Se
33 Birch Road
Staten Island NY 10303

Christina Rizzo
33 Birch rd
Staten Island, NY 10303

Handwritten signature

9589 0710 5270 0938 8754 70

CERTIFIED MAIL®

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

Office of the Clerk
United States District of New York
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